Congressional

SCS custody case 1 of 2 (687)

P/s send copy of attached letter R to following

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✓ Mark O. Hatfield
✓ Thomas F. Eagleton ✓
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Congress Representatives:

✓ Leo J. Ryan ✓
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Don Edwards ✓
Robert Duncan ✓
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SCS custody case ①
1 of 2

JOHN VICTOR STOEN CASE

While we in the Department of State sympathize very much with Mr. and Mrs. Stoen in their efforts to regain custody of their son, regrettably there is little we can do to be of assistance. Neither the Department of State nor the courts of the State of California have the authority to enforce a U.S. court decision concerning the custody of John Victor as long as he is physically located outside of the United States. Child vu<<custody orders issued in the United States are normally not accepted for enforcement in another country on the basis of comity. While any American custody decision might be given evidentiary weight in the Guyanese proceeding, by no means will it be binding on that court.

Since the initiation of the custody suit in Georgetown last August, the Department of State and our Embassy in Guyana have been in close contact with the Stoens and their attorneys, both American and Guyanese. The Embassy has attended all court proceedings, when permitted to attend, and has assisted the Stoens in gaining access to Guyanese government officials. The Embassy has regularly had conversations with the oppoi<sing attorneys and has spoked<n with Mr. Jim Jones, the head of the People's Temple. As Mr. Jones is also an American citizen and entitled to the same rights and protection as Mr. and Mrs. Stoen, the Embassy has been careful to avoid prejudicing

the outcome of the dispute. It is the Embassy's responsibility to seek to ensure that the judicial outcome of the dispute results from a fair and impartial determination of the merits of the case, and all of our efforts are so directed.

Following a hearing held on January 10, Mr. Stoen's attorney stated that he anticipated a favorable decision at the conclusion of the proceedings. Mr. Stoen himself was guardedly optimistic in conversations with officers at the Department of State on January 27.

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Clearance: CA - Asst Sec Barbara Watson

(2)

ALLEGATIONS OF EMBASSY OR USG

INTERFERENCE

All the parties to the custody case of John Victor Stoen, currently in the courts in Guyana, are American citizens. The parents of the child are on one side and the People's Temple, a California religious organization which also operates in Guyana, on the other.

Our Ambassador and his staff in Guyana have taken an interest in the case, but have emphasized that the interest of the United States is confined to assuring that the matter is fairly and impartially adjudicated in the courts strictly on its merits and without outside interference from any quarter. Consistent with this position, the Embassy has avoided taking any sides in what is essentially a civil dispute between two groups of Americans. Nor has any pressure been brought by the Embassy on the Government of Guyana or its courts, which have yet to rule on the matter, in favor of one side or the other.

q<The inquiries made by the American Embassy on behalf of the child's parents were normal protective services which any American citizen abroad could expect to receive from his government. The inquiries were not attempts to interfere in the internal affairs of Guyana and, indeed, have not been interpreted as such.

Clearance: ARA - GLister